

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-1244

WILLIAM H. LEIGH,

Plaintiff - Appellant,

versus

ELIZABETH CITY HOUSING AUTHORITY; BOARD OF
COMMISSIONERS,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Elizabeth City. Malcolm J. Howard, District Judge. (CA-96-6-2-H-1)

Submitted: April 17, 1997

Decided: April 30, 1997

Before NIEMEYER and WILLIAMS, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

William H. Leigh, Appellant Pro Se. John David Leidy, HORNTAL, RILEY, ELLIS & MALAND, Elizabeth City, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

William H. Leigh appeals from the district court's order granting summary judgment in favor of Defendants, and dismissing his employment discrimination action alleging violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A. § 2000e-16 (West 1994), 42 U.S.C. §§ 1981, 1983 (1994).

Our review of the record and the district court's opinion discloses that this appeal is without merit. Leigh failed to establish a prima facie case of employment discrimination. See McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802 (1973); Alvarado v. Board of Trustees, 928 F.2d 118, 121 (4th Cir. 1991). See also O'Connor v. Consolidated Coin Caterers Corp., ___ U.S. ___, 64 U.S.L.W. 4243 (U.S. April 1, 1996) (No. 95-354). Moreover, Leigh failed to rebut the legitimate, nondiscriminatory reasons Defendants proffered to support their decision to hire another individual to the position Leigh sought. See Texas Dep't of Community Affairs v. Burdine, 450 U.S. 248, 254-56 (1981); Conkwright v. Westinghouse Elec. Corp., 933 F.2d 231, 234-35 (4th Cir. 1991). Accordingly, we cannot say that the district court's finding of non-discrimination was clearly erroneous. Anderson v. City of Bessemer, 470 U.S. 564, 574 (1985).

We therefore affirm on the reasoning of the district court. Leigh v. Elizabeth City Housing Authority, No. CA-96-6-2-H-1 (E.D.N.C. Jan. 6, 1997). We dispense with oral argument because the facts and legal contentions are adequately presented in the mate-

rials before the Court and argument would not aid the decisional process.

AFFIRMED